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FROM: Terry W. Kramer
KRAMER & AMADO, P.C.

DATE: October 16, 2007

SUBJECT: U.S. Patent Application
Title: THROTTLING NETWORK MANAGEMENT AND
ELEMENT MANAGEMENT SYSTEM MESSAGING
Serial No.: 10/813,300
Attorney Docket No.: ALC 3123

PAGES: INCLUDING COVER PAGE (7)

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- Transmittal Form (1 page)
- Request for Reconsideration (5 pages)

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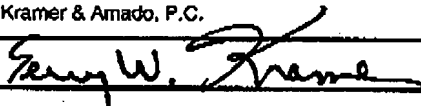
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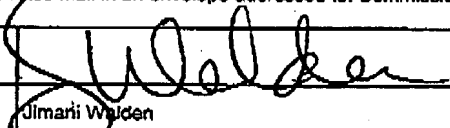
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/813,300	
	Filing Date	March 31, 2004	
	First Named Inventor	Rashid Qureshi	
	Art Unit	2616	
	Examiner Name	Kan Yuen	
Total Number of Pages in This Submission	6	Attorney Docket Number	ALC 3123

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Kramer & Amado, P.C.	
Signature		
Printed name	Terry W. Kramer	
Date	October 16, 2007	Reg. No. 41,541

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	
Typed or printed name	Ulmarie Walden
Date	October 16, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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CENTRAL FAX CENTER**OCT 16 2007****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	Rashid Qureshi
For	:	THROTTLING NETWORK MANAGEMENT AND ELEMENT MANAGEMENT SYSTEM MESSAGING
Serial No.	:	10/813,300
Filed	:	March 31, 2004
Art Unit	:	2616
Examiner	:	Kan Yuen
Att. Docket	:	ALC 3123
Confirmation No.	:	4546

REQUEST FOR RECONSIDERATION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Request is in response to the Office Action dated July 16, 2007, and is believed to be fully responsive to each point of the rejection raised therein. Accordingly, favorable reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

Claims 1-24 are pending in the present application. Claims 1, 6, 14, 18, 19 and 24 are independent.

The courtesies extended to Applicant's representative by Examiner Yuen at the interview held, July 30, 2007, are appreciated. The reasons presented at the interview as warranting

Application No: 10/813,300
Attorney's Docket No: ALC 3123

favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

Examiner Yuen is thanked for agreeing during the interview that claims 14-18 are allowed. Examiner Yuen is further thanked for memorializing this agreement in the Interview Summary Form mailed August 2, 2007.

Claims 1, 6, 19, and 24 are rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Kalkunte et al. (US 6,115,356) (hereinafter "Kalkunte"). This rejection is respectfully traversed for at least the following reasons.

Claim 1 recites, "receiving an event message associated with a network element; at a point separate from the Qs channel process, determining from at least the fill level whether the event message is to be forwarded; and if the event message is to be forwarded, forwarding the event message to the Qs channel process" (emphasis added).

In contrast, Kalkunte discloses a switch that sends a pause frame to external nodes when a congestion condition is detected (Column 4, lines 13-23, 43-47). The receipt of a pause frame by a node only prevents it from sending data frames (event messages) to the switch (EMS) over a network (Column 1, lines 39-44). Kalkunte does not disclose, teach, or suggest that event messages have already been received by the EMS (i.e. are not prevented from being sent over the network) and a determination is made whether to forward the messages to the Qs channel process.

Claim 6 recites, "an event logger for receiving an event message associated with a network element, for determining from at least the fill level whether the event message is to be

Application No: 10/813,300
Attorney's Docket No: ALC 3123

forwarded, and for forwarding the event message to the Qs channel process for storage in the at least one proxy buffer in the event that the event message is to be forwarded" (emphasis added).

In contrast, Kalkunte discloses a congestion monitor within a switch that detects the congestion level of output buffers in the switch and sends a pause frame to external nodes if a congestion condition is present (Column 4, lines 13-23, 43-47). The receipt of a pause frame by a node only prevents it from sending data frames (event messages) to the switch (EMS) over a network (Column 1, lines 39-44). Kalkunte does not disclose, teach, or suggest that the congestion monitor or any other component within the switch determines whether the event messages already received are to be forwarded. Furthermore, the transmission of a pause frame is not equivalent to forwarding an event message.

Claim 19 recites, "receiving an event message associated with a network element; determining from at least the fill level whether the event message is to be forwarded; and if the event message is to be forwarded, forwarding the event message to the Qs channel process for storage" (emphasis added). This subject matter recited in claim 19 is essentially identical to the subject matter from claim 1 quoted above. Thus, claim 19 is allowable for the reasons stated above in connection with claim 1.

Claim 24 recites, "[a] computer-readable medium storing software for throttling event messages at an element management system (EMS) ... the computer-readable medium comprising: instructions for receiving from the Qs channel process a callback message indicative of the fill level; ... instructions for determining from at least the fill level whether the event

Application No: 10/813,300
Attorney's Docket No: ALC 3123

message is to be forwarded; and instructions for forwarding the event message to the Qs channel process for storage ... in the event that the event message is to be forwarded" (emphasis added).

In contrast, Kalkunte discloses a switch sending a pause frame to be received by a node external to the switch (Column 4, lines 43-47). Thus, any instructions for receiving a callback message indicative of the fill level (the pause frame) are stored on the external node. Kalkunte does not disclose, teach, or suggest that the instructions for receiving the message are stored on the EMS (switch). In addition, the receipt of a pause frame by a node only prevents it from sending data frames (event messages) to the switch (EMS) over a network (Column 1, lines 39-44). Kalkunte does not disclose, teach, or suggest that the EMS stores instructions for determining whether the event messages already received should be forwarded.

For at least the foregoing reasons, it is respectfully requested that the rejection of claims 1, 6, 19 and 24 as allegedly being anticipated by Kalkunte be withdrawn.

Claims 2-5, 7-13 and 20-23 are allowable based at least on their dependence from claims 1, 6 and 19, respectively, for at least the reasons stated above in connection with the rejection of claims 1, 6 and 19.

CONCLUSION

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

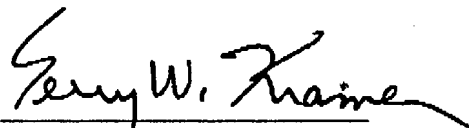
While we believe that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully

Application No: 10/813,300
Attorney's Docket No: ALC 3123

requested that the Examiner contact the correspondence attorney listed below at the telephone number listed below in order to expeditiously resolve any outstanding issues.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.



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Date: October 16, 2007

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